

PLANNING COMMISSION
NOVEMBER 14, 2006 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Regular members present: Munn, Pritchard, Roper, Sherrard
Alternate members present: Kane
Staff present: Cullen, Murphy, Stanowicz

Chairman Sherrard opened the meeting with roll call at 7:02 p.m.

Chairman Sherrard seated Kane for Steinfeld.

Chairman Sherrard appointed Roper as Secretary.

II. PUBLIC HEARINGS

Chairman Sherrard briefly explained the Planning Commission public hearing procedures for the public.

1. Windward Passage, Polaris Street & Crystal Lake Road (14 lots) (CAM) – Continued

Tim Bates, Attorney, Robinson and Cole, represented the developer, Atlas Development LLC. Mr. Bates stated that since the last hearing, revised plans have been submitted addressing all staff comments.

Staff explained the most recent revision received. An appraisal has been provided setting the pre-subdivision value of the property at \$275,000. The applicant submitted information regarding the “tot lot”, serving children ages 2 – 5. Parks & Recreation preferred the equipment geared toward the younger age group. The Fire Marshal has approved the plan. All Public Works items have been addressed. Staff read the Building/Zoning Official’s response into the record:

“If you read the definitions in the Zoning and Subdivision Regulations, the word ‘generally’ is used. I think these are generally rectangular, even more so than some of the triangular shaped lots in Colonel Ledyard Estates and Library Hill Subdivision, which were recently approved without question.”

Staff requested a conservation easement for the back lots, and the back lots cannot be further subdivided, as noted on the plans. The State Department of Environmental Protection has identified the drainage basin as a dam, but the applicant may or may not need a permit from the D.E.P. If the applicants need a dam permit, it will be required before they can obtain a building permit. The cost of the playground equipment would not be deducted from the fee in lieu of open space. Presently, the Town would take 7.7% in dedicated open space and the balance in a fee. There is no actual waterfront property, so there would be no water-dependent uses. Screening was added along the road frontage of the buffer strips. The applicant has offered to deed the strip abutting his property to Mr. Woughter, which would make his property a corner lot. There are sheds and outbuildings on that site. One of the buildings would be difficult to move; the applicant has offered to move that building for him and that will be included on the plans. The offset waiver of 125 ft. in lieu of 150 ft. is still required. Due to

grading and the retaining walls and guard rails, the 125 ft. offset is preferred by the Town Engineer.

Pritchard asked if the conservation easement would be assigned to each of the adjacent lots. Staff said the easement will run with each of the lots. Pritchard asked if the strip next to the Upholz property is being incorporated. Staff said it is not on the plan. Pritchard asked for clarification of the significance of losing 25 ft. on that type of road. Staff said 150 ft. is standard in our Subdivision Regulations for that type of road, but sight visibility, speeds, etc. can affect that number and sometimes adjustments need to be made. The same might not be recommended in a different situation. At 150 ft., because of the topography of the area, retaining walls with guard rails would be necessary on this road.

Roper said that he does not want to create a hardship, after listening to Mr. Upholz's concerns.

Patty Chambers, CME Associates, stated that a sight-line demonstration had been done from both sides.

Munn asked that if the new road is built as proposed, with regard to the Zoning Regulations, would the nonconforming lot not be a corner lot. Staff said it would not be a corner lot. Munn asked if the strip is transferred to the Woughter property would the lot be compliant. Staff said 30 ft. is the front yard building setback required and they would have 33 ft. The accessory structures will be moved by the applicant. Munn asked if the road is moved to the 150 ft. requirement against the Town Engineer's recommendation, and the historical variance is honored, would that meet the requirements. Staff said there is enough land in the right of way, and given the historical variance it would be in compliance. Staff showed the lot layouts for Windward Passage and the Upholz and Woughter properties. The proposed road was explained. The road could shift slightly to the east or west without affecting the property lines, but fully shifting the road would affect the grading.

Tim Bates said if the road is repositioned back to the original location, it becomes a 16 ft. issue, with grading and a variance needed to make it conforming. Munn asked if that variance would make it conforming. Mr. Bates said yes, but the sheds etc. will still have to be moved.

Sherrard said he would like comments regarding the sight visibility and safety of the placement of the road.

Mr. Bates said the applicant would be willing to continue the public hearing and provide sight line analysis to help the record. Pritchard said that he supports the Town Engineer. Roper said he has concerns with the waiver and addressing the public's issues. Munn said he is comfortable with the 125 ft. centerline road offset.

Chairman Sherrard asked for comments from the public.

Attorney Matthew Greene, representing the Woughters, stated that with the new plans dated November 13, 2006, his clients have withdrawn their objection.

John Upholz, 28 Polaris Street, spoke against the application, due to the safety issues from his driveway. Mr. Upholz submitted a map to the Commission showing the road offset at 150 ft.

Attorney Jeffrey Londregan, 38 Huntington St., New London, representing John Upholz, said that the Commission must determine what is best for the Town regardless of staff recommendations.

Sherrard said he would like to get the Traffic Authority and Town Engineer comments regarding the safety aspects of the 125 ft. road offset, and leave the public hearing open. Staff explained the road and drainage standards for the Town. Buffering is not specifically required between two residentially-zoned properties with a subdivision application.

Sherrard stated that due to end of the year issues with only one Planning Commission meeting in December, which has a full agenda already, he would like to hold a special meeting to continue this application. Only items on the special meeting agenda can be discussed. The public hearing will start at 7:00 p.m.

Mr. Bates said that the applicant is dedicating some property for open space and is buying playground equipment for an offsite playground at the cost of \$6,270.00, and asked staff to take the cost for the playground equipment into consideration as part of their total dedication to the Town.

Sherrard told Mr. Londregan that the Planning Commission reviews buffering from residential subdivision to industrial use, not residential subdivision to residential subdivision.

MOTION: To continue the public hearing on Windward Passage, Polaris Street & Crystal Lake Road to a tentative special meeting on November 28, 2006.

Motion made by Sherrard, seconded by Munn. Motion passes, 4 – 1, 1 opposed (Roper). Planning staff collected the names, addresses and telephone numbers of all present in the event the meeting date and/or time needed to be changed so that adequate notice could be provided.

2. Neff Hespeler Subdivision, 1211 Flanders Road - Continued

Staff said the applicant has requested an extension until December 12, 2006, because they are working on the appraisal. The only other outstanding issue is that the applicant must provide justification for the request for a waiver of overhead utilities.

MOTION: To continue the public hearing on the Neff Hespeler Subdivision, 1211 Flanders Road, to the next regular meeting on December 12, 2006.

Motion made by Sherrard, seconded by Roper, so voted unanimously.

III. APPROVAL OF THE MINUTES of October 24, 2006

MOTION: To approve the minutes of October 24, 2006 as amended.

Motion made by Munn, seconded by Pritchard, so voted unanimously.

IV. PUBLIC COMMUNICATIONS

Pritchard stated that he talked to Rick Norris, Schools Project Manager, a few weeks ago regarding viewing the school sites. He said members can notify Rick Norris and he will arrange tours.

Staff introduced Matt Davis, the new Manager of Planning Services, and announced the hiring of Lee Treadway, the new code enforcement inspector, and Joe Summers, the new school projects inspector.

Staff explained a referral received from the City of New London regarding zoning on the Mitchell College property.

Chairman Sherrard asked for comments from the public on items not on tonight's agenda.

Joan Smith, 58 Mohegan Road, Noank, a director of Groton Open Space Association, told the Commission of a new State statute 8.3-i regarding notice to water companies for projects within the aquifer protection area or watershed of a water company. The statute is effective October 1, 2006.

Staff told the Commission that the Wal-Mart subdivision application was withdrawn, but the Wal-Mart site plan application is still in the review process.

V. SUBDIVISIONS

1. Neff Hespeler Subdivision, 1211 Flanders Road

The public hearing was continued to the next regular meeting on December 12, 2006.

3. Maple Glen Subdivision, Pleasant Valley Road North, Gungywamp Road & Briar Hill Road

MOTION: To approve a 90 day extension for the filing of Maple Glen Subdivision, Pleasant Valley Road North, Gungywamp Road & Briar Hill Road.

Motion made by Roper, seconded by Pritchard, so voted unanimously.

4. Montali Subdivision, 77 Candlewood Road (2 lots)

MOTION: To set a public hearing date for December 12, 2006.

Motion made by Sherrard, seconded by Roper, so voted unanimously.

VI. SITE PLANS

1. Carriage Park Multi-Family Site Plan, Colver Avenue

Genevieve Salvatore, Attorney, represented the applicant. Ms. Salvatore requested an extension for filing the mylars and an extension for start of construction until January 30, 2007.

Staff explained the revisions required from the applicant. The applicant has been working with the Town environmental planner. The applicant said the plans can be filed by December 12th. The request for an extension for the start of construction is tabled, and will be put on the December 12th meeting agenda.

MOTION: To grant an extension to December 12, 2006 for filing of plans to Carriage Park Multi-Family, Colver Avenue.

Motion made by Sherrard, seconded by Roper, so voted unanimously.

2. The Ledges East, 375 Drozdyk Drive

Tim Bates, Attorney, Robinson and Cole, represented the applicants, Groton Community, LLC and Groton Multifamily, LLC. Mr. Bates explained that the applicant is working on the plans and easements needed to be filed to show the lot lines between phase one and phase two of the project. Mr. Bates stated that the applicant is requesting more time to finalize the planning design regarding the existing rock pile which was put on the phase two site during the construction of phase one. The funding for this project is contingent on the plan being completed. The applicant is requesting an extension for start of construction until March 1, 2007. Mr. Bates said the plans should be filed by November 30, 2006.

MOTION: To grant an extension for filing of plans to December 12, 2006, and an extension for start of construction to March 1, 2007 for The Ledges East, 375 Drozdyk Drive.

Motion made by Sherrard, seconded by Roper, so voted unanimously.

3. Hersant Utility Building, 22 Fort Rachel Place (CAM)

MOTION: To grant an extension to December 12, 2006, for Hersant Utility Building, 22 Fort Rachel Place.

Motion made by Munn, seconded by Pritchard, so voted unanimously.

4. Gordon Daycare, 314 Noank-Ledyard Road

Gary Winalski, Professional Engineer, represented the owner, Clyde Gordon. Mr. Winalski explained the location, a rear lot on Noank-Ledyard Road with a shared driveway with Mr. Gordon's house on the front lot. The property is over three acres, zoned RS-20. The applicant is proposing a daycare center, located in a separate building, serving 19 students and 3 teachers. The parking spaces and student drop-off area were reviewed. There will be 3000 sq. ft. of recreation area provided at the site with chain link fence on all four sides. There is more work needed on the septic system design. More test pits are being done.

Staff said there are a few outstanding issues. The applicant is requesting a waiver for tying in to the public water supply. Ray Valentini, Groton Utilities, is

not recommending that they tie in because the water quality would be poor due to the length of time the water would be sitting, the length of pipe, etc. A finding of no need for a Certificate of Public Convenience and Necessity has been issued by the State of Connecticut Dept. of Public Health. The Fire Marshal had comments about overhead clearance coming in, and asked that the surface in front of the new building be compacted to withstand the staging of fire equipment. Town of Groton Engineering has approved the plan. The grading of the playground, types of equipment, hours, etc., have been submitted and approved. Ledge Light Health District responded today to the revised plans dated November 13th. There are seven items outstanding, including ledge outcrops, septic system location and test pits.

Motion to table the Gordon Daycare discussion until after the public hearings. Motion made by Sherrard, seconded by Roper, so voted unanimously.

Discussion resumed at 8:57 p.m.

Roper asked if there would be a sign for the daycare. Mr. Winalski said no. Mr. Winalski explained the existing bituminous sidewalk as part of the Wolff Subdivision. Roper asked the age group of the students. Mr. Winalski said ages 3 to 5. There would not be any school buses.

Kane asked if there are underground utilities to the property. Mr Winalski said yes. Mr. Winalski stated that the driveway will be 18 ft. wide. There will be no food service and no truck loading space required. Students will bring box lunches. Trash pick-up is through the Mystic Fire District.

Sherrard asked if the plan provides for any buffering for neighbors. Mr. Gordon explained the location of the neighbors and said only one might require the buffer. Sherrard asked about the sight lines. Mr. Winalski said they are about 350 ft. and 500 ft.

Staff said there are two outstanding issues. A 25 ft. conditional use buffer is required, and the applicant is asking for a reduction to ten feet to possibly accommodate the septic system. Town open space and wetlands are adjacent to the site. Designated employee parking and student drop-offs were reviewed. There is an existing single-family home on the site occupied by Mr. and Mrs. Gordon, who will run the daycare.

MOTION: To table the Gordon Daycare, 314 Noank Ledyard Road, to the next regular meeting on December 12, 2006.

Motion made by Sherrard, seconded by Pritchard, so voted unanimously.

VII. OLD BUSINESS – None.

VIII. NEW BUSINESS

1. Report of Commission

Chairman Sherrard said a site walk of the new school sites can be arranged with Rick Norris. Pritchard will contact Rick Norris for tentative dates.

Roper said there is a Regional Planning Commission meeting on November 20, 2006 at 7:30 p.m.

Sherrard received notification of a transit-oriented development conference to be held at Southern Connecticut State University on January 29, 2007; a workshop titled "Strategies for Funding Open Space" will be held on Friday, December 1, 2006, and Saturday, December 2, 2006.

Sherrard received a Connecticut Siting Council hearing notification for an application for a Cingular Wireless telecommunications tower at 1662 Gold Star Highway.

2. Zoning Commission referral for public hearing on December 6, 2006

Special Permit #295, 715 Meridian Street Extension

Staff explained the referral. The applicant is illegally excavating on the property at Meridian Street Extension. Staff said the Town has initiated a court order against him for the illegal activity. In excess of 1,000 c.y. of fill has been excavated. The applicant is trying to make a retaining wall on the site. Staff said the applicant should be preparing the site for future development but no revised plans have been submitted. Eleven outstanding items have not been addressed by the surveyor. Staff has major concerns with the lack of a suitable plan, and the applicant not properly providing for the future restoration of the property.

Sherrard asked if there would be a site plan application if he receives the special permit. Staff said no, unless he develops structures on the site.

MOTION: The Planning Commission feels strongly that the site should be reclaimed so that the site can be developed as a viable commercial site, and the retaining wall should be safe and professionally engineered to allow the site to be used as a commercial site and meet the Regulations.

Motion made by Roper, seconded by Munn, so voted unanimously.

IX. REPORT OF CHAIRMAN

Chairman Sherrard said he will work with staff to set up a special meeting and agenda.

X. REPORT OF STAFF

Staff said the Central Hall site plan application has been received.

Staff explained the Cingular Wireless plan application for a tower on Route 184. There is another pending tower application on the Mystic River Ambulance site at Sandy Hollow Road and Allyn Street. Staff will make the Town's recommendations to the Connecticut Siting Council.

Staff discussed the Conservation Commission's recommended sites for protection. Staff will provide copies at the next meeting for the Commission members.

Staff addressed the new statute regarding land use applications for projects within an aquifer protection area or watershed of a water company.

Identification cards for the Commission members were discussed. The Commission reviewed cards including names, membership and Town seal information developed by staff.

MOTION: To approve the issuance of identification cards as presented this evening.

Motion made by Sherrard, seconded by Pritchard. Motion passes 4 – 1, 1 opposing (Roper). Roper opposed because he feels that Fitzgerald should be present for this discussion.

Roper asked about the Wal-Mart subdivision withdrawal. Staff noted that Wal-Mart decided to eliminate individual lots in favor of leasing areas on site for development.

Kane asked if the new code enforcement officer is in place. Three weeks ago, there were a lot of trees being cut in front of the Weiss Sleep Shop.

IX. ADJOURNMENT

Motion to adjourn at 9:42 p.m. Motion made by Sherrard, seconded by Munn, so voted unanimously.

Respectfully submitted,

Peter Roper